

City Council Agenda

REVISED

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

June 27, 2013

8:30 A.M. ROLL CALL

Invocation by Pastor Bob Small of the Northwest Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "UNITED STEEL WORKERS DAY" – Councilmember Quintero and President Xiong

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 17, 18 and 20, 2013

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve Amendment No. 4 to service agreement for fire protection and emergency services to North Central Fire Protection District – Fire Department
Action Taken:
- B. **RESOLUTION** – Declaring the results of the Special Municipal Election held within the City of Fresno on June 4, 2013 – City Clerk's Office
Action Taken:
- C. Actions pertaining to the purchase of an e-filing and administration system for Statement of Economic Interest (SEI) Forms 700, 800 and FPPC Campaign Disclosure Forms 450, 460, 461, 465, 470, 496, and 497 – City Clerk's Office
 - 1. **RESOLUTION** - Authorizing the City Clerk to enter into an agreement for services of an e-filing and administration system for Forms SEI 700, 800 and FPPC Campaign Disclosure Forms 450, 460, 461, 465, 470, 496, and 497 under the sole source exception without competitive bidding requirement
Action Taken:
 - 2. Award a sole source agreement with NetFile for an e-filing and administration system for SEI forms 700, 800 and FPPC Campaign Disclosure Forms 450, 460, 461, 465, 470, 496, and 497 and authorize the City Clerk to execute the agreement on behalf of the City with the amount not to exceed zero dollars and zero cents for year one and up to year three
Action Taken:
- D. Authorize a joint agreement, accept the Byrne Justice Assistance Grant Program award for \$282,250 from the U.S. Department of Justice, Bureau of Justice, for the City and the County of Fresno and authorize the execution of all related documents – Police Department
Action Taken:
- E. Authorize acceptance of fiscal year 2012 Cycle State Homeland Security Funds in the amount of \$87,600 sub-granted from the State of California Emergency Management Agency – Police Department
Action Taken:
- F. **RESOLUTION** - To complete the certification and claim process in order to allow the City of Fresno to receive its share of Measure C Extension Funds in fiscal year 2013-2014 – Finance Department/Budget Management Studies Division
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- G. Actions pertaining to the construction for the effluent canal re-routing at the Regional Wastewater Reclamation Facility (RWRF) at 5607 W. Jensen Avenue (**Property located in District 3**) – Department of Public Utilities
1. Adopt a finding of Class 2 Categorical Exemptions, pursuant to Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act (CEQA) Guidelines
Action Taken:
 2. Approve a construction contract in the amount of \$240,000 with Mountain Cascade Inc., a California Corporation
Action Taken:
 3. Authorize Director of Public Utilities or his designee to sign on behalf of the City
Action Taken:
- H. Actions pertaining to the professional engineering services associated with the preparation of the updated Wastewater Collection System Master Plan – (**Property located Citywide**) – Department of Public Utilities
1. Approve a consultant agreement in the amount of \$250,000 with Carollo Engineers, Inc., of Walnut Creek, California, a Delaware Corporation, for the preparation of an updated Wastewater Collection System Master Plan Update
Action Taken:
 2. Authorize the Director of Public Utilities or his designee to sign on behalf of the City
Action Taken:
- I. **RESOLUTION** - Placing the nomination of Martin A. Querin, PE, as a board member of the Association of California Water Agencies (ACWA) Region 6 - Department of Public Utilities
Action Taken:
- J. Actions pertaining to Final Map of Tract No. 5358 (**Property located in District 2**) – Public Works Department
1. Approving the Final Map of Tract No. 5358 and accepting the dedicated public uses offered therein
Action Taken:
 2. **RESOLUTION** - Approving the Final Map of Tract No. 5358 and accepting the dedicated public uses offered therein
Action Taken:
 3. Authorize the Public Works Director or his designee to execute the subdivision agreement, the covenant for the maintenance of certain improvements under CFD-11, the covenant for temporary storm drainage facilities and the covenant for the prohibition of parking on behalf of the City
Action Taken:
 4. Authorize the Director of Public Utilities or his designee to execute the covenant for special solid waste disposal services on behalf of the City
Action Taken:
 5. Authorize the Development and Resource Management Director or his designee to execute the covenant deferring eligible development impact fees to the time of occupancy, the covenant acknowledging right to farm law, the covenant relinquishing access rights, the covenant for potential golf course hazard and the covenant for pool drainage plans on behalf of the City
Action Taken:
- K. Approval of affiliation and sanctioning agreement with USA BMX for the BMX track at Woodward Park – PARCS
Action Taken:
- L. Actions pertaining to a Fixed Rate Patron Agreement between the City of Fresno and Club One Casino, Inc. (**Property located in District 3**) – Development and Resource Management Department
1. Adopt a Finding of Categorical Exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines
Action Taken:
 2. Approve the Fourth Amendment to the Fixed Rate Patron Agreement between City of Fresno and Club One Casino, Inc for 100 parking spaces in Parking Garage #8 located at 1077 Van Ness in the amount of \$72,000 per year
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- M. Approve the re-appointment of Michael McDonald to the Civil Service Board; Martha Hernandez to the Housing and Community Development Commission; Michelle Bronson and Frances Reyes Acosta to the Disability Advisory Commission – Mayor's Office
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** - Authorizing the issuance, sale, and delivery of City of Fresno Airport Revenue Non-taxable and Taxable Refunding Bonds (Series 2013 A & B Bonds) and authorize the execution and delivery of all documents, and the taking of all actions necessary to enact the refinancing – Airports Department
Action Taken:
- B. Actions pertaining to professional engineering services for the design of the Southwest Recycled Water Distribution System (***Property located in District 3 and portions of Fresno County***) – Department of Public Utilities
1. Approve a consultant agreement in the amount of \$3,324,000 and a \$100,000 contingency with Blair Church & Flynn Consulting Engineers (BCF), a California Corporation of Clovis, CA
Action Taken:
 2. Authorize the Director of Public Utilities or his designee to sign on behalf of the City
Action Taken:
- C. Approve an professional services agreement in substantially the form attached with Royston, Hanamoto, Alley & Abey (RHAA) in the amount of \$1,929,660 with a contingency amount of \$200,000 for the design of plans and general construction contract documents for the Fulton Mall Reconstruction Project and authorize the Public Works Director or his designee to execute the agreement on behalf of the City (***Property located in District 3***) – Public Works Department
Action Taken:
- D. Award a construction contract in the amount of \$5,583,420 to Yarbs Grading and Paving, Inc., of Fowler, California, for the S. Peach Avenue widening, E. Kings Canyon Road to E. Belmont Avenue project, and authorize the Public Works Director to sign the standardized contract on City's behalf (***Property located in Districts 5 and 7***) – Department of Public Utilities
Action Taken:
- E. Approve a licensing agreement between the Fresno Housing Authority, Fresno Unified School District and the City of Fresno for the use of the green space located at Viking Elementary School - PARCS
Action Taken:

3. **CITY COUNCIL**

- A. Presentation by Fresno Metro Ministry on mapping tools for cumulative environment impacts on a community with a focus on the City of Fresno – Councilmember Baines
- B. **BILL – (For introduction)** - Adding Article 4.12 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing small developments - Councilmember Olivier
Action Taken:

4. **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)

1. Sunset Waste Paper, Inc. v. City of Fresno; Fresno County Superior Court Case No.: 12 CE CG 01400
2. City of Clovis, City of Fowler, City of Fresno, City of Kerman, City of Sanger v. County of Fresno, Office of the Fresno County Auditor-Controller Treasurer-Tax Collector, Vicki Crow, et al Fresno County Superior Court Case No.: 08CECG03535 AMC; 5th District Appellate Court Case No. F060148

Action Taken:

B. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Bruce Rudd, Ken Phillips

Employee Organizations:

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. International Association of Firefighters, Local 753 (Fire Basic)
4. Fresno Police Officers Association (FPOA Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Mgmt)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **HEARING** consideration of Rezone Application No. R-09-012, Conditional Use Permit Application No. C-09-161 and related environmental assessment for the development of a 10-story building at the south side of River Park Place west between N. Friant Road and State Route 41 - Development and Resource Management Department

Action Taken:

- a. Adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. R-09-012/C-09-161

Action Taken:

- b. **BILL** - Amending the conditions of zoning to increase the building height limitation from six stories and 98 feet to ten stories and 150 feet consistent with the Mid Rise High Rise Corridor designation in the general plan

Action Taken:

- c. **RESOLUTION** - Approving Mid Rise Conditional Use Permit No. C-09-161 for the development of a 234,723 square foot ten-story, office building at a maximum height of 150 feet subject to the following:

1. Conditions of Approval dated February 6, 2013
2. Operational Statement dated August 11, 2009
3. Exhibits A, A-1, A-2, E-1 – E-5, and L

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 P.M.

JOINT MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION BOARD

- A. Successor Agency Board (SA) and Fresno Revitalization Corporation Board (FRC) consider approving a Purchase and Sales Agreement (PSA) for the Successor Agency of the Redevelopment Agency of the City of Fresno (the "Agency") to acquire a parcel located at 1844 E Hedges owned by Jesse Gutierrez and Chriselda Sanchez. *(Successor Agency and Fresno Revitalization Corporation Action)*

Action Taken:

ADJOURN AGENCY

2:00 P.M.

Direct staff of the City of Fresno to initiate the Proposition 218 hearing process for the proposed increase of water utility rates – Department of Public Utilities

Action Taken:

3:15 P.M.

RESOLUTION – Supporting the efforts and whitepaper of Creating Prosperity in Fresno - a diversified group of business, civic, education and non-profit leaders who believe key changes in the City of Fresno can spur private sector job growth and economic vitality for our City – Acting President Brandau

Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	4 -		COUNCIL VACATION
July	11 -		COUNCIL VACATION
July	18 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) (Property located in District 1) (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July	18 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (Property located in District 5) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July	18 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-004, filed by Bradley Stienberger
July	25 -	10:00 A.M.#1	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)
July	25 -	10:00 A.M.#2	HEARING - City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide) – Public Works Department
Aug.	1 -		COUNCIL VACATION
Aug.	8 -		COUNCIL VACATION
Aug.	15 -	1:30 P.M.	MEETING
Aug.	15 -	1:30 P.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following - 2nd floor foyer)
Aug.	15 -	2:00 P.M.	HEARING re: Plan Amendment No. A-12-005, Rezone Application No. R-12-007, fled by Chris Kliewer on behalf of Lennar Fresno, Inc.
Aug.	15 -	5:00 P.M.	HEARING re: Proposition 218 on proposed increase of water utility rates
Sept.	5 -		COUNCIL VACATION
Sept.	12 -		COUNCIL VACATION
Sept.	19 -	1:30 P.M.	MEETING
Sept.	19 -	2:00 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 51 (Final Tract Map No. 6037)(Council District 2) (North east corner of N. Garfield and W. Barstow Avenues)

UPCOMING EMPLOYEE CEREMONIES

Oct. 23 – (Weds.) 2:00 P.M. Employee Service Awards Ceremony **(Reception immediately following - 2nd floor foyer)**